

Subject Length of probation
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Date February 11, 2019

Overview

Under current law, the maximum length of probation a court can impose for most felony offenses is up to four years or the maximum length of imprisonment that could be imposed, whichever is longer. The maximum length of probation for felony and gross misdemeanor criminal vehicular operation (CVO) and driving while intoxicated (DWI) offenses is six years, the final year of which must be unsupervised probation unless the court determines that the defendant needs supervision in that final year. The maximum period of probation for all other gross misdemeanor violations is two years.

This bill:

- limits the maximum length of probation to five years for all felony offenses;
- limits the maximum length of probation to five years for all gross misdemeanor DWI and CVO offenses, and provides that the final year of probation must be unsupervised unless that court determines that the defendant needs additional supervision; and
- creates an exception permitting the maximum length of probation to equal the maximum length of imprisonment that could be imposed for (1) murder in the first, second, and third degree, and (2) all criminal sexual conduct offenses.

Summary

Section	Description
1	<p>Stay of sentence maximum periods</p> <p>Amends <u>paragraph (a)</u> by limiting the maximum length of probation that a court can impose for a felony sentence to five years. Under current law, if an offense carries a maximum penalty of less than five years, a court can impose up to four years of probation. If an offense carries a maximum sentence of five years or more, the court can impose a period of probation equal to that maximum sentence.</p> <p>Amends <u>paragraph (b)</u> by limiting the maximum length of probation that a court can impose for all criminal vehicular offense sentences and gross misdemeanor driving while intoxicated sentences to five years. Removes gross misdemeanor violations of criminal sexual conduct in the fifth degree from the list of offenses included in this paragraph.</p>

Section	Description
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Retains the requirement that the final year of probation for the listed offenses must be unsupervised unless the court finds that the defendant needs supervision for all or part of the final year.

Creates paragraph (i) which provides that a court may discharge a defendant before the expiration of the maximum period of probation unless the sentence was for murder or criminal sexual conduct. Establishes an exception to the maximum length of probation a court can impose by permitting probation to equal the maximum length of imprisonment for:

- murder in the first degree (up to life);
- murder in the second degree (up to 40 years);
- murder in the third degree (up to 25 years);
- criminal sexual conduct in the first degree (up to 30 years);
- criminal sexual conduct in the second degree (up to 25 years);
- criminal sexual conduct in the third degree (up to 15 years for most violations and five years for some violations of subdivision 1, paragraph (b));
- criminal sexual conduct in the fourth degree (up to ten years);
- felony criminal sexual conduct in the fifth degree (up to seven years); and
- gross misdemeanor criminal sexual conduct in the fifth degree (up to one year).



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